

IA12 Rec'd PCT/PTO 03 MAY 2007

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

033393-055222

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/577,814

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

PCT/US2004/036200

2004-11-01

2003-10-30

TITLE OF INVENTION METHOD OF TREATING AND PREVENTING ISCHEMIA-REPERFUSION INJURY  
USING RNA INTERFERING AGENT

APPLICANT(S) FOR DO/EO/US JUDY LIEBERMAN et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76. SUPPLEMENTAL
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Certificate of Limited Recognition (1 pg.); Fee Transmittal in duplicate (2 pp.); COPY - Notice of Missing Parts of Non-Provisional Application (2 pp.); Response to Notice of Missing Parts of Non-Provisional Application (2 pp.); Executed Statement of Erwei Song (1 pp.); Request to Correct Inventorship under 37 C.F.R. § 1.48(a) (2 pp.); Consent of Assignee under 37 C.F.R. § 1.48(a) (1 pp.); COPY-Executed oath and power of attorney (4 pp.); COPY-Supplemental Application Data Sheet (4 pp.); and Return Receipt Postcard.

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50) <b>10/577,814</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US2004/036200</b>		ATTORNEYS DOCKET NUMBER <b>033393-055222</b>	
The following fees are submitted:				<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....				\$	
22. <input type="checkbox"/> Examination fee.....				\$	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....					
All other situations.....					
23. <input type="checkbox"/> Search fee.....				\$	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....					
All other situations.....					
<b>TOTAL OF 21, 22 and 23 =</b>				\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing filed in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x \$50.00	\$	
Independent claims	- 3 =		x \$200.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 130.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
<b>SUBTOTAL =</b>				\$ 65.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$ 65.00	
				Amount to be refunded:	\$
				Amount to be charged:	\$

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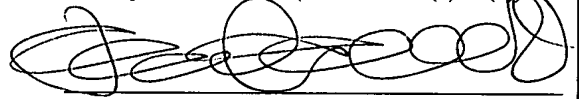
01 FC:2617 65.00 DA

- a. ☐ A check in the amount of \$65.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 50-0850 in the amount of \$ 65.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0850. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

NIXON PEABODY LLP  
100 Summer Street  
Boston, MA 02110-2131



SIGNATURE

David S. Resnick / Leena H. Karttunen

NAME

34,235 / L0207

REGISTRATION NUMBER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Judy Lieberman et al. Confirm. No.: 9795  
Application No.: 10/577,814 Group No.: To be assigned  
Filed: 04/28/2006 Examiner: To be assigned  
Customer No.: 50828

For: METHODS FOR TREATING AND PREVENTING ISCHEMIA-REPERFUSION INJURY  
USING RNA INTERFERING AGENTS

MAIL STOP PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

VERIFIED CERTIFICATION OF EXPRESS MAILING DATE  
(37 C.F.R. § 1.10(c))

I declare that, on May 3, 2007, I deposited, with the United States Postal Service, in an envelope "Express Mail, Post Office to Addressee," bearing Label Number EV 652 981 234 US, addressed to the "Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450," and having an express mail certification that I executed, the following papers:

1. Express Mail Certificate – Label No. EV 652 981 234 US (1 pg.);
2. Transmittal Form PTO-1390 - Page 3 in duplicate (4 pp.);
3. Statement of Limited Recognition (1 pg.);
4. COPY – Notice of Missing Parts of Non-Provisional Application (2 pp.);
5. Response to Notice of Missing Parts (2 pp.);
6. Request to Correct Inventorship under 37 C.F.R. § 1.48(a) (2 pp.);
7. Executed Statement of Facts of Erwei Song (1 pg.);
8. Consent of Assignee under 37 C.F.R. § 1.48(a) (1 pg.);
9. COPY – Executed Declaration and Power of Attorney (4 pp.);
10. COPY – Supplemental Application Data Sheet (4 pp.); and
11. Return Receipt Postcard.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Megan L. Stembridge

Typed/Printed Name of Person Mailing Paper/Fee

Signature of Person Mailing Paper/Fee


**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 11.9(b)**

Leena H. Karttunen is hereby given limited recognition under 37 CFR §11.9(b) as an employee of Nixon Peabody LLP, to prepare and prosecute patent applications wherein the patent applicant is the client of Nixon Peabody LLP and an attorney or agent of record in the applications is a registered practitioner who is a member of Nixon Peabody LLP. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Leena H. Karttunen ceases to lawfully reside in the United States, (ii) Leena H. Karttunen's employment with Nixon Peabody LLP ceases or is terminated, or (iii) Leena H. Karttunen ceases to remain authorized to be employed in accordance with an Employment Authorization Card issued pursuant to 8 CFR § 274a.12(c)(9).

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Limited Recognition No. L0207  
Expires: January 7, 2008

  
\_\_\_\_\_  
Harry I. Moatz  
Director of Enrollment and Discipline



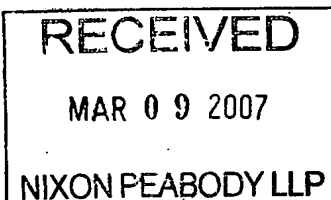
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/577,814	Judy Lieberman	033393-055222

INTERNATIONAL APPLICATION NO.	
PCT/US04/36200	
I.A. FILING DATE	PRIORITY DATE
11/01/2004	10/30/2003

50828  
DAVID S. RESNICK  
100 SUMMER STREET  
NIXON PEABODY LLP  
BOSTON, MA 02110-2131



CONFIRMATION NO. 9795  
371 FORMALITIES LETTER



\*OC000000022751945\*

Date Mailed: 03/06/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/28/2006
- Copy of the International Search Report filed on 04/28/2006
- Preliminary Amendments filed on 04/28/2006
- Information Disclosure Statements filed on 10/13/2006
- Biochemical Sequence Diskette filed on 04/28/2006
- Oath or Declaration filed on 04/28/2006
- Biochemical Sequence Listing filed on 04/28/2006
- U.S. Basic National Fees filed on 04/28/2006
- Priority Documents filed on 04/28/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - Inventor Erwei Song is listed on the executed declaration received January 12, 2007, however, he is not listed on the published International application. Please submit a corrected declaration or an explanation for the additional inventor.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions

of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VIRGINIA L IRBY

Telephone: (703) 308-9140 EXT 229

PART 1 - ATTORNEY/APPLICANT COPY

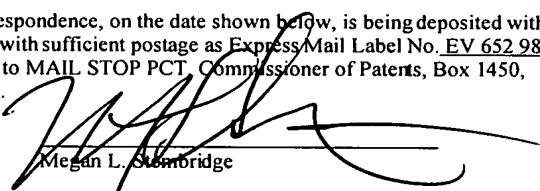
U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/577,814	PCT/US04/36200	033393-055222

FORM PCT/DO/EO/905 (371 Formalities Notice)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Judy Lieberman et al.	Confirmation No.:	9795
Application No.:	10/577,814	Group No.:	To be assigned
Filed:	April 28, 2006	Examiner:	To be assigned
		Customer No.:	50828

For: METHODS FOR TREATING AND PREVENTING ISCHEMIA-REPERFUSION INJURY USING RNA INTERFERING AGENTS

<p align="center"><b>CERTIFICATE OF EXPRESS MAILING UNDER (37 C.F.R. § 1.10(e))</b></p> <p>I hereby certify that this correspondence, on the date shown below, is being deposited with the United States Postal Service with sufficient postage as Express Mail Label No. <u>EV 652 981 234</u> <u>US</u> in an envelope addressed to MAIL STOP PCT, Commissioner of Patents, Box 1450, Alexandria, VA 22313-1450.</p> <p>Date: May <u>3</u>, 2007</p> <p align="right"> Megan L. Stumbridge</p>
--

MAIL STOP PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF 35 U.S.C. 371 APPLICATION - EXPLANATION FOR ADDITIONAL INVENTOR**

Dear Sir,

This present submission is being filed in response to the Notification of Missing Requirements under 35 C.F.R. 371 (DO/EO/US) dated March 6, 2007, a copy of which is enclosed.

The above identified application, 10/577,814, is a 371 National Stage Entry of PCT/US04/36200. At the time of the PCT filing of the application, Erwei Song was erroneously omitted as a co-inventor. As set forth in the attached Statement of Erwei Song, such error arose without deceptive intent.

Practitioner's Docket No.: 033393-055222-US  
In re application of: Judy Lieberman et al.  
Application No.: 10/577,814  
Filed: April 28, 2006

Confirmation No.: 9795  
Group No.: To be assigned  
Examiner: To be assigned  
Customer No.: 50828

For: METHODS FOR TREATING AND PREVENTING ISCHEMIA-REPERFUSION INJURY USING RNA INTERFERING AGENTS

The applicant has set forth to rectify this error with a Request to Correct Inventorship under 37 C.F.R. § 1.48(a) with a Statement of Erwei Song, a written consent of the assignee, and a supplemental Applicant Data Sheet, copies of which are enclosed.

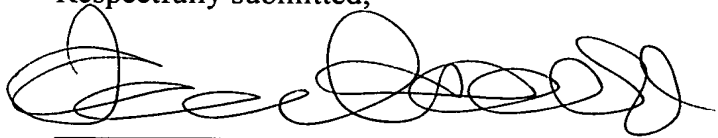
### **FEE DEFICIENCY**

If any additional extension and/or fee is required, charge NIXON PEABODY LLP  
Deposit Account No.: 50-0850.

If the Examiner has any questions with this communication, the Examiner is invited to telephone the undersigned at (617) 345-1367.

Date: May 3, 2007

Respectfully submitted,



David S. Resnick (Reg. No. 34,235)  
Leena H. Karttunen (L0207)  
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